



**Flathead County**  
**Planning & Zoning**  
1035 1<sup>st</sup> Ave W, Kalispell, MT 59901  
Telephone 406.751.8200 Fax 406.751.8210



**CONDITIONAL USE PERMIT APPLICATION**

*Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.*

**FEE ATTACHED \$** 700.00

**PROPOSED USE (as described in the Flathead County Zoning Regulations):**

Establish a Craft Distillery tasting room (Tavern) This is allowed after obtaining a Conditional Use Permit under Section 3.17.030 item 11

**OWNER(S) OF RECORD:**

Name: Whistling Andy, Inc. Phone: 406- 249-4110  
Mailing Address: 20339 MT Highway 35  
City, State, Zip Code: Bigfork, MT 59911  
Email: itsallaboutandy@gmail.com

**PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:**

Name: Michael Marchetti Phone: 406-249-4110  
Mailing Address: 20339 MT Highway 35  
City, State, Zip Code: Bigfork, MT 59911  
Email: itsallaboutandy@gmail.com

**LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):**

Street  
Address: 8541 MT Highway 35 Bigfork MT 59911 S 36 T 27 R 20  
Subdivision  
Name: JH Horn TR AMD L26 & 27 Tract No(s). 2 Lot No(s). 01A Block No. XXX

**1. Zoning District and Zoning Classification in which use is proposed:**

Bigfork Land Use Plan, B-2

**2. Attach a plan that includes drawings & texts of the affected lot and how the following items correspond to it:**

**A. Site Suitability.**

The site is suitable for the use. This includes:

- (1) adequate usable space
- (2) adequate access
- (3) absence of environmental constraints

**B. Appropriateness of Design.**

The site plan for the proposed use will provide the most convenient and functional use of lot. Consideration of design should include:

- (1) parking scheme
- (2) traffic circulation
- (3) open space
- (4) fencing, screening
- (5) landscaping
- (6) signage
- (7) lighting

**C. Availability of Public Services and Facilities**

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

- (1) sewer
- (2) water
- (3) storm water drainage
- (4) fire protection
- (5) police protection
- (6) streets

**D. Immediate Neighborhood Impact**

The proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts which extend beyond the proposed site include:

- (1) excessive traffic generation
- (2) noise or vibration
- (3) dust, glare or heat
- (4) smoke, fumes, gas, or odors
- (5) inappropriate hours of operation

3. The following proposed uses shall meet additional requirements as outlined in the Flathead County Zoning Regulations and require consultation with a staff planner PRIOR to application submittal:

- 4.01 Animal Hospitals, Kennels, Animal Shelters, Veterinary Clinics
- 4.02 Bed and Breakfast Establishments/Boarding Houses
- 4.03 Camp or Retreat Center
- 4.04 Caretaker's Facility in AG, SAG, and R-1 Districts
- 4.05 Cluster Housing Development in Residential Districts
- 4.06 Commercial Caretaker's Facility in B-2, B-3, I-1, I-1H, and I-2 Districts
- 4.07 Contractors Storage Yard in AG and SAG Districts
- 4.08 Day Care Centers- 13 or More Individuals
- 4.09 Electrical Distribution Stations
- 4.10 Extractive Industries
- 4.11 Family Hardship Dwellings
- 4.12 Manufactured Home Parks
- 4.13 Mini-Storage, Recreational Vehicle Storage
- 4.14 Motor Coach Subdivisions
- 4.15 Recreational Facilities (see also 7.17.040)
- 4.16 Temporary Uses

Consultation with Planner:

Date \_\_\_\_\_

Planner's Signature \_\_\_\_\_


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**INSTRUCTIONS FOR CONDITIONAL USE PERMIT APPLICATION:**

1. Answer all questions. Answers should be clear and contain all the necessary information.
2. In answering question 1, refer to the classification system in the Zoning Regulations.
3. In answering questions 2 and 3, be specific and complete. Please use a separate sheet of paper to discuss the appropriate topics.
4. Copy of plot plan/site plan must be submitted with each application, with all existing or proposed structures shown, and distances from each other and from the property line. *If you are submitting a plan larger than 11x17 in size, please include 7 copies.*
5. A **Certified** Adjoining Property Owners List must be submitted with the application (*see forms below*). The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.
  - *(The buffer should be 150 ft. for all areas with the following exceptions: Administrative Conditional Use Permits, standard Conditional Use Permits, and Planned Unit Development (PUD) applications within the Lakeside Zoning District require a 300 ft. buffer.)*

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*I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during the approval and development process.*

  
Applicant Signature

5/26/2010  
Date

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## Flathead County Planning & Zoning

Subject; Conditional Use Permit application for the operation of a Distillery / Tasting Room Section FZC 3.17.030 item 11 for Whistling Andy, Inc.

Location; 8541 MT Highway 35 Bigfork, MT 59911

Overview: This building is already in existence and requires interior modifications for the addition of the Tasting Room area and the Distillery. The exterior look of the building will require the addition of two 12' X 12' cupola's to accommodate the still height and the second to balance out the building look.

### Site Suitability

1. Adequate usable space
  - a. The facility will be divided into three logical sections. Distillery Operations, Administrative Offices and the Tasting Room.
    - i. The distillery operations will be conducted in accordance with federal and state regulations. The distillery operations area requires 800 sq ft for the volume expected. We have allocated 1500 Sq ft for the operations providing for expansion. To accommodate for the height of the still a 12ft X 12ft cupola will be built to be above the planned still placement.
    - ii. 2 Administrative offices and 1 employee office are already in the facility and will remain as they currently are built
    - iii. The Tasting Room will be ~ 600 Sq Ft and will consist of a bar with 6 seats and 1 table with 5 chairs
2. Adequate access
  - a. The Facility has one main entrance and three additional exterior access doors. There are currently two garage doors. We are planning on removing one of the garage doors and leaving one garage door that is a standard single wide door, 8 ft high.
3. Absence of environmental constraints
  - a. All operations will be in accordance with State and Federal regulations.
  - b. Most of the solid waste produced from the distillery operations will be available to local farmers and is an excellent food source for horses, cattle and pigs.
  - c. Discussions with the Bigfork Water and Sewer are ongoing and there are no known issues with the quantity of expected waste or of the dumping of polluting compounds.

### Appropriateness of Design

1. Parking (see attached diagram) Total 14 Spaces
  - a. Front - 7 spaces
  - b. North Side - 3 spaces
  - c. South Side – 4 Spaces
  - d. Additional parking is available at adjoining businesses after business hours.
2. Traffic Circulation

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- a. Traffic is managed easily at this location as the building and parking lot has two access points. The first being Highway 35 (Front) and the second Bridge Street (Rear). There is parking permitted on both sides of the facility in the front of the building and the back.
- 3. Fencing, Screening
  - a. There is no fencing and screening at this location
- 4. Landscaping
  - a. The Building is completely surrounded by Asphalt , no landscaping is needed or planned
- 5. Signage
  - a. Two Signs are currently located on the Front South west corner of the building both are lighted by small directional spot lights. These lights will be shielded and directed so that the illumination will be limited as much as possible to the area of the sign face
- 6. Lighting
  - a. Exterior lighting will be for the purpose of providing a safe area around the building focusing on walkways and parking spaces adjacent to the building. Exterior lighting will be installed in accordance with county regulations.

#### Availability of Public Services and Facilities

- 1. Sewer
  - a. The facility is currently hooked up to the Bigfork Water and Sewer system
- 2. Water
  - a. The facility is currently connected to a well that is shared with one adjacent business. The Distillery will remain on the shared well due to the need to process our product with untreated water; we will install a commercial water treatment system for the tasting room and public use.
- 3. Storm Water Drainage
  - a. There will be no changes to the building footprint. We will maintain the current Storm Water Drainage as is
- 4. Police Protection
  - a. The Facility is in Flathead County and in the Bigfork area. We will rely on current police protection provided by the county.
- 5. Streets
  - a. Street access is provided directly to Highway 35 at the front of the building and from Bridge Street at the rear of the building.
  - b. There are no obstructions (Trees, Signs or otherwise) at the entrance, front or rear of the building.

#### Immediate Neighborhood Impact

- 1. Excess Traffic generation

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- a. We do not expect to generate excess traffic. The facility will employ 4-6 workers and will maintain the Tasting room. The hours of operation are limited to the hours of 10 am to 8pm. State rules limit the amount of alcohol each customer may purchase for consumption only two drinks per day. Peak hours are expected to be between 4:30 and 7:30 pm.
2. Noise or Vibration
  - a. No excess noise or Vibrations is expected from the operation.
3. Dust, glare or heat
  - a. The milling of grains for the production of Alcohol will produce grain dust but will be managed by placing the mill directly over the mash processing tank and immediately processed through a hydrator.
  - b. The Distillation process requires a low pressure steam boiler to heat up the mash tank and the still. Heat will be managed by insulating the steam pipes. The still and mash tanks are insulated and heat is maintained within the equipment.
  - c. Excess water vapors (moisture) will be vented to the outside of the building through a venting system incorporated into the cupola.
4. Smoke, fumes, Gas of Odors
  - a. The distillation operations do not product smoke but there are odors produced through the mashing process. These odors are the same as those produced from a brewery and are not known to be a health hazard.
5. Inappropriate hours of operation
  - a. State Law limits the hours of operation of the tasting room to the hours between 10 am. and 8 pm.

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